

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

2012 NOV 29 PM 3:23

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

- DEPUTY CLERK

DONNY RAY WELCH, PRO SE,  
TDCJ-CID No. 1375713,

Plaintiff,

V.

TEXAS TECH UNIVERSITY HEALTH  
SERVICES CENTER ET AL.,

**Defendants.**

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2:09-CV-0291

## ORDER OF DISMISSAL

Plaintiff DONNY RAY WELCH, acting pro se and while a prisoner incarcerated in the Texas Department of Criminal Justice, Correctional Institutions Division, has filed suit pursuant to Title 42, United States Code, section 1983 complaining against the TEXAS TECH UNIVERSITY HEALTH SERVICES CENTER and numerous other defendants employed by or otherwise associated with the Texas Department of Criminal Justice and has been granted permission to proceed pursuant to Title 28, United States Code, section 1915.

On November 7, 2012, a Report and Recommendation was issued by the United States Magistrate Judge recommending dismissal of the instant cause without prejudice pursuant to Rule 12(b)(1), FED.R.CIV.PRO., as barred by sovereign immunity; with prejudice as frivolous; and for failure to state a claim on which relief can be granted.

The period for response has expired, and no objections have been filed by plaintiff.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that

the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.

IT IS THEREFORE ORDERED that the Civil Rights Complaint by plaintiff DONNY RAY WELCH is DISMISSED WITHOUT PREJUDICE PURSUANT TO RULE 12(b)(1), FED.R.CIV.PRO., as BARRED BY SOVEREIGN IMMUNITY; WITH PREJUDICE AS FRIVOLOUS; AND FOR FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED.

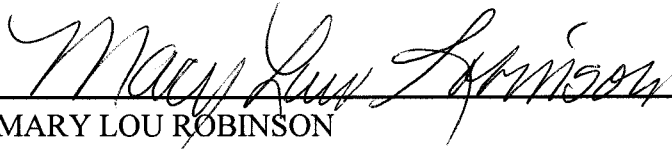
LET JUDGMENT BE ENTERED ACCORDINGLY.

Any pending motions are DENIED.

The Clerk shall send a copy of this Order to plaintiff and to any attorney of record. The Clerk shall also mail copies of this order to TDCJ-Office of the General Counsel, P.O. Box 13084, Austin, TX 78711; and to the Pro Se Clerk at the U.S. District Court for the Eastern District of Texas, Tyler Division.

It is SO ORDERED.

Signed this the 29<sup>th</sup> day of November, 2012.

  
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MARY LOU ROBINSON  
United States District Judge